



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

LASHONDA M. WEAVER; and
ALFRED M. WEAVER, JR.,
Plaintiffs,

vs.

TINA MARIE PETERSON,
Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. 6:09-2068-HFF-BHH

ORDER

This case was filed as a breach of contract action. Plaintiffs are proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Complaint be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 24, 2009, and the Clerk of Court entered Plaintiff's objections to the Report on August 31, 2009. The Court has reviewed the objections, but finds them to be without merit. Simply stated, Plaintiffs have failed to meet the jurisdictional requirements that would allow this case to proceed in this Court. Thus, this state case should be filed in state court in Ohio or possibly in South Carolina, if certain other jurisdictional requirements can be satisfied.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report to the extent that it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of the Court that the Complaint is hereby **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

Signed this 31st day of August, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.